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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,996	01/15/2002	Robert A. Baker	115716-00116	1875
27557	7590	04/12/2004	EXAMINER	
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			ENGLISH, PETER C	
			ART UNIT	PAPER NUMBER

3616

DATE MAILED: 04/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,996

Applicant(s)

BAKER ET AL.

Examiner

Peter C. English

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7 and 9 is/are rejected.
- 7) ☒ Claim(s) 8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The proposed drawing corrections filed on 24 February 2004 have been approved. However, the corrected sheets are not acceptable for use as formal drawings since they are a facsimile copy. Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to because: On page 1, the first sentence should be deleted. Note that this sentence was inserted "before the first line" of the specification, in accordance with applicant's instructions in the UTILITY PATENT APPLICATION TRANSMITTAL filed on 15 January 2002. Appropriate correction is required.

3. In the amendment filed on 24 February 2004, the amendments to the specification are informal. Amendments to the specification must be made by presenting a replacement paragraph or section *marked up to show changes made relative to the immediate prior version*. An accompanying clean version is not required and should not be presented. All future amendments must be submitted in proper form.

Claim Objections

4. Claims 1-10 are objected to because of the following informalities:

In claims 1 and 3, at line 8, "bag" should be "airbag".

In claims 4 and 5, at line 6, "bag" should be "airbag".

In claim 5, at lines 17 and 18, "tether" should be inserted before "securement" in order to avoid confusion between the "securement member" recited at line 7 and the "securement member" recited at line 17.

In claim 5, at line 19, "width said" should be "width, said".

In claim 8, at line 2, "pre-selected" should be "preselected". See claim 7, line 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, at lines 5-6, and in claim 3, at lines 17-18, "said first and second fabric panels are made from one or more materials that are impermeable" is inaccurate. The fabric material that the panels are made from is not impermeable. Instead, the fabric panels are treated (i.e., coated) with an impermeable material. See page 7, line 19 to page 18, line 1 of the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kokaguchi et al. (EP 0485599). Kokaguchi et al. discloses an airbag 1 comprising first and second fabric panels 2, 3. An inflator port 4 is formed in the panel 3. The outer peripheral edges of the panels 2, 3 are bonded together by thermal welding (see page 3, line 43). A reinforcing securement member 9 has upper and lower portions (see Fig. 2) bonded to the panels 2, 3 by thermal welding (see page 3, lines 43-45). The panels 2, 3 are coated with rubber or thermoplastic material, i.e., an impermeable material (see page 3, lines 25-27). The airbag 1 is considered to be a "roll-over" airbag because it is capable of providing at least some degree of protection during a roll-over.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

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was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokaguchi et al. (EP 0485599) in view of Ronn et al. (DE 2552815) and Takahashi et al. (JP 06016099). Kokaguchi et al. lacks a tether bonded to the first and second panels. Ronn et al. teaches a tether 2 bonded to first and second panels 4, 5. As shown in Fig. 3, the tether includes first and second panel members 10, 12 bonded to each other and to the airbag panel 9 by a bonding agent 11, 14, 15. Takahashi et al. also teaches a two-piece tether 7, 8 bonded to first and second panels 3, 4 by a bonding agent (see the abstract). From this teaching of Ronn et al. and Takahashi et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kokaguchi et al. by providing the airbag with a tether bonded to the first and second panels because a tether serves to control the inflated shape and location of the airbag, thereby improving the protection provided by the airbag.

11. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokaguchi et al. in view of Ronn et al. and Takahashi et al. as applied to claim 6 above, and further in view of Toru (JP 05016751). The Kokaguchi et al., Ronn et al. and Takahashi et al. combination lacks first and second tether panel members secured by an elongated region of stitching. Toru teaches first and second tether panel members 15a, 15b secured by an elongated region of stitching 14 (see Fig. 4). Toru further teaches that this tether construction is advantageous because "the air bag can be folded up compactly, and installation work of the tethers...becomes also easy" (see the last sentence of the abstract). From this teaching of Toru,

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it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Kokaguchi et al. by forming the tethers of first and second tether panel members secured by an elongated region of stitching because this facilitates folding of the airbag and installation of the tethers.

Response to Arguments

12. Applicant's arguments filed 24 February 2004 have been fully considered but they are not persuasive. Applicant argues that Kokaguchi et al. lacks a "roll-over" airbag. As explained above, Kokaguchi et al. meets this broad recitation because the airbag 1 is capable of providing at least some degree of protection during a roll-over. In addition, the body of claims 1-3, 6, 7 and 9 fail to recite any structure or relationship that gives weight and meaning to the phrase "roll-over". Therefore, any airbag would seem to meet this broad limitation. Still further, the claims fail to specify what direction the "roll-over" occurs. In a roll-over in the longitudinal direction of the vehicle, the frontal airbag 1 of Kokaguchi et al., which would certainly serve as a roll-over airbag.

Applicant argues that the applied references lack panels which are impermeable. However, Kokaguchi et al. discloses that the panels 2, 3 are coated with rubber or thermoplastic material, i.e., an impermeable material (see page 3, lines 25-27).

Terminal Disclaimer

13. The terminal disclaimer filed on 24 February 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,113,141 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

14. Claims 4 and 5 are allowed.

15. Claims 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

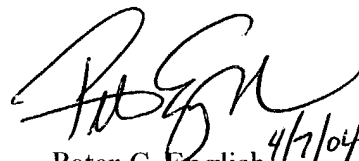
16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 703-308-1377. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Peter C. English 4/7/04
Primary Examiner
Art Unit 3616

pe
7 April 2004